

State of Wisconsin
Before the Medical Examining Board

In the Matter of the Disciplinary Proceedings Against

David Papendick, M.D.,
Respondent.

Case No. 97 MED 265

Order of Summary Suspension

This matter came before the Board at its regularly scheduled and properly noticed meeting on September 18, 1997. The appearances were James E. Polewski, for the Division of Enforcement, respondent David Papendick in person, and respondent's attorney, Mark Stern.

Findings of Fact

1. David Papendick, M.D., ("Respondent") was born on January 16, 1932, and is licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 14465, first granted on September 19, 1962. Respondent practices medicine and surgery in Algoma, Wisconsin.
2. Respondent was personally served the Notice of Petition for Summary Suspension on September 12, 1997.
3. On August 17, 1997, Mary Lee Meverden, a 64 year old woman Respondent was treating for Lyme's disease, placed a telephone call to Respondent. Mrs. Meverden informed Respondent that she believed she was suffering from gout. Mrs. Meverden had never previously suffered from gout.
4. Without examining Mrs. Meverden, Respondent prescribed medical treatment for her condition, including the drug Colchicine. Respondent arranged for the medications to be dispensed from his office, and Mrs. Meverden's daughter went to Respondent's office to pick up the medications.
5. At Respondent's office, Mrs. Meverden's daughter was given a bottle containing twenty, 0.6mg. tablets of Colchicine. The handwritten label on the bottle carried the instruction "One every 15 min., till relief or diarrhea."
6. Mrs. Meverden took the Colchicine as directed, consuming 17 tablets.
7. Colchicine is known to be a toxic drug.

8. On the evening of August 18, 1997, Mrs. Meverden's daughter spoke with Respondent to report that Mrs. Meverden was suffering from severe nausea and diarrhea. Respondent asked how many Colchicine tablets Mrs. Meverden had taken; Mrs. Meverden told her daughter, who told Respondent, that Mrs. Meverden had taken 27 tablets of Colchicine. Respondent told Mrs. Meverden's daughter that Mrs. Meverden should only have taken 20 tablets of Colchicine, but the extra 7 tablets she reported would not harm her.
9. Mrs. Meverden presented at the Emergency Room at St. Mary's Hospital in Kewaunee, Wisconsin, about 10:30 p.m. on Tuesday, August 19, where she was assessed as suffering from Colchicine toxicity.
10. About 1:30 a.m. Wednesday, Mrs. Meverden was transferred by ambulance to the Emergency Room at St. Vincent's Hospital in Green Bay.
11. Mrs. Meverden went into cardiac arrest en route. Efforts to revive her failed at St. Vincent's Hospital shortly after 2:30 a.m.
12. Respondent was informed of Mrs. Meverden's death, and later spoke with her daughters. Respondent stated that the description of Colchicine as a poison was "asinine" and that he had been using the drug the same way for 38 years without any adverse outcomes.

Conclusions of Law

Respondent's prescription of Colchicine to a patient on the basis of the patient's self-diagnosis, and Respondent's failure to appreciate the toxic nature of his prescription, constitutes probable cause that Respondent has engaged in, and is likely to engage in, practices which constitute a substantial danger to the health, welfare or safety of patients and public, contrary to s. MED 10.02(2)(h), Wis. Admin. Code.

Based on the findings set forth above, Respondent David Papendick, M.D., has engaged in, and is likely to engage in, conduct such that the public health, safety and welfare imperatively requires emergency suspension of Respondent's credentials to practice medicine and surgery in the state of Wisconsin.

Order

Now, therefore, IT IS ORDERED that David Papendick's credentials to practice medicine and surgery in the state of Wisconsin are hereby suspended immediately, pending a final decision and order in this matter. Respondent shall surrender his credentials to the Board or any department staff requesting them, forthwith.

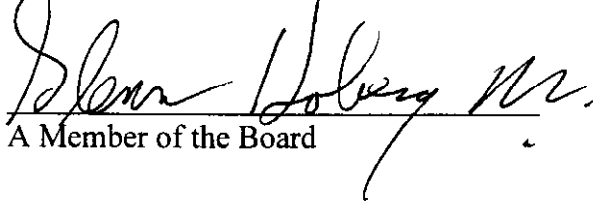
IT IS FURTHER ORDERED that Respondent may request a hearing to show cause why this suspension order should not be continued, and may file such request with Ruby Jefferson-Moore, the Administrative Law Judge assigned to this matter, at P.O. Box 8935, Madison, Wisconsin,

53708. A hearing on such request shall be scheduled within 20 days of the date the ALJ receives the request, unless Respondent agrees to a later date.

IT IS FURTHER ORDERED that the authority of the Board to extend this suspension beyond the initial 30 days provided by statute is delegated to the Administrative Law Judge assigned in this matter.

IT IS FURTHER ORDERED that the Division of Enforcement shall commence a formal disciplinary action pursuant to ch. RL 2, Wis. Admin. Code, within 10 days of the date of this Order.

Dated this 18th day of September, 1997.


A Member of the Board

State of Wisconsin
Before the Medical Examining Board

In the Matter of the Disciplinary Proceedings Against

David Papendick, M.D.,
Respondent.

Case No. 97 MED 265

Affidavit of Celina Kobs

Celina Kobs, being first duly sworn on oath, deposes and says:

1. She is an investigator for the Department of Regulation and Licensing, Division of Enforcement, and in the course of her employment she conducted an interview with Trudee Meverden on August 28, 1997

2. In the course of that interview, Trudee Meverden informed her that:

a. Trudee Meverden is the daughter of Mary Lee Meverden, deceased, and resided with her mother at 918 Fremont Street, Algoma, Wisconsin until her mother's death.

b. On Sunday, August 17, 1997, Trudee Meverden observed that her mother had a swollen left foot, lower leg, and knee.

c. Between 3:00 p.m. and 6:00 p.m., while Trudee Meverden was present, Mary Lee Meverden called Dr. David Papendick at his home in Green Bay, and Trudee Meverden heard Mary Lee Meverden tell Dr. Papendick that her foot was swollen, and that it might be gout.

d. To the best of Trudee Meverden's knowledge, Mary Lee Meverden had never previously had gout.

e. Mary Lee Meverden told her to go to Dr. Papendick's office in Algoma and pick up three prescriptions, one an injectable medication, and two different types of pills.

f. Trudee Meverden went to Dr. Papendick's office in Algoma, and received three medications from the office receptionist, who was waiting for her. One of the medications was colchicine, with a hand written label directing one pill every 10 to 15 minutes until relief or diarrhea.

- g. Trudee Meverden returned to her home with the medications, and delivered the colchicine to Mary Lee Meverden sometime before the evening meal.
- h. Later in the day on Monday, August 18, Trudee Meverden called Dr. Papendick's office to report that Mary Lee Meverden was nauseated, vomiting, and suffering from frequent diarrhea. Trudee Meverden spoke directly to Dr. Papendick, who asked her how many colchicine tablets Mary Lee Meverden had taken.
- i. Mary Lee Meverden told Trudee Meverden that she had taken 27 tablets of colchicine. When Trudee Meverden reported this to Dr. Papendick, he stated that Mary Lee Meverden should have taken only 20 tablets of colchicine, but that the extra would not hurt her.
- j. Throughout Monday night, August 18, Mary Lee Meverden was nauseated, frequently retching without vomiting. On occasions where vomiting was productive, the discharge Trudee Meverden observed was clear or a brownish liquid.
- k. On Tuesday, August 19, Trudee Meverden stayed at home to take care of her mother. At 11.00 a.m., Trudee Meverden called Dr. Papendick's office, and reported that her mother was too ill to come into Dr. Papendick's office as Dr. Papendick had requested on Sunday.
- l. Throughout Tuesday, the nausea and diarrhea continued approximately every 15 minutes. Mary Lee Meverden required assistance to get to the bathroom from her bed, and Trudee Meverden assisted her.
- m. By 8:00 p.m. Tuesday, August 19, Mary Lee Meverden needed assistance to rise from her bed or the toilet.
- n. At 10:30 p.m., Trudee Meverden, with her brother's assistance, took Mary Lee Meverden to the Emergency Room at St. Mary's Hospital in Kewaunee.
- o. At the hospital, Mary Lee Meverden was placed on oxygen, and Trudee Meverden observed that hospital personnel were unable to obtain a blood pressure reading on Mary Lee Meverden.
- p. Mary Lee Meverden died early in the morning hours of Wednesday, August 20.
- q. Trudee Meverden spoke with Dr. Papendick on Wednesday, August 20, and reported that her mother had died, and that the medical personnel attending her had informed Trudee Meverden that colchicine is a poison, and that Mary Lee Meverden had had too much.

r. Trudee Meverden told Dr. Papendick that colchicine was a poison according to the staff at St. Mary's Hospital, whereupon Dr. Papendick told her the he had never heard anything so asinine, and that he had been using the medication the same way for 38 years and nothing had ever happened.

All of the foregoing is true to the best of my knowledge, or upon information and belief.

Celina Kobs
Celina Kobs

Sworn to and subscribed before me this 17th day of September, 1997.

James E. Tolson
Notary Public
My Commission is permanent

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

SEPTEMBER 22, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)